

SALE OF POISONS IN THE DISTRICT OF COLUMBIA.

MAY 25, 1898.—Referred to the House Calendar and ordered to be printed.

Mr. CURTIS, of Iowa, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany H. R. 8390.]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 8390) to regulate the sale of poisons in the District of Columbia, after careful consideration of the subject report the bill back to the House, with the recommendation that it do pass with the following amendments:

Page 1, line 9, after the word "acid," add the words "chloroform, chloral hydrate."

Page 2, line 17, strike out the words "chloroform, chloral hydrate."

Page 3, line 43, after the word "Columbia," add "nor to the prescriptions of physicians and surgeons legally qualified to practice medicine and surgery in the communities where they reside."

Your committee incorporate as a part of their report the annexed report made on a bill of this same title in the Fifty-fourth Congress, second session, by Mr. Shannon, of New York; also communication from the Commissioners of the District of Columbia, memorial of the District of Columbia Pharmaceutical Association, communications from Dr. William C. Woodward, health officer of the District, account of the death of Sadie Tasker, memorial from the Medical Society of the District of Columbia, and Senate Document No. 15 and Senate Report No. 451 (adverse), Fifty-fifth Congress, which fully explain the proposed legislation.

[House Report No. 2820, Fifty-fourth Congress, second session.]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 10038) to regulate the sale of poisons in the District of Columbia, respectfully submit the following report:

The chief object of this bill is to limit to registered pharmacies the sale of poisons, and thus prohibit their sale by irresponsible parties to the detriment of the public at large, especially of innocent people, and also prohibit their sale to evil and designing persons for improper uses.

In requiring that the poison shall be sold in a three-cornered container the aim is to distinguish the poison in such a manner as will protect the handler from making

mistakes in administering the same to innocent people, which so frequently happens. The mere grasp of a three-cornered container will warn the handler of the poisonous and dangerous, if not fatal, properties of these drugs, and so protect him from the impending mistake.

It is thought that while this simple device may not always prevent mistakes, it will accomplish much toward that result.

Another object of the bill relates to the protection of innocent people from the formation of the opium, morphine, cocaine, and chloral habits. Sometimes a person who has experienced the beneficial effects of these drugs, as prescribed by physicians, will seek to have the prescription repeated without the consent or knowledge of the physician, and without any suspicion on the part of the pharmacist that it is to be used improperly; and this method will be continued—the prescription being repeated again and again without the suspicion or knowledge of either pharmacist or physician—until the habit has been so firmly established that it can no longer be concealed and the person has become the incurable victim of some one of these habits.

While it is not contended that this legislation will arrest the formation of such habits, it is believed that it will go far in protecting many well-meaning and innocent people from such danger.

As House bill 10038 thus appears to be a measure solely in the interest of good health and good morals, the committee, after careful consideration, favorably report the same, and unanimously recommend that it do pass with the following amendments:

In section 1, line 21, strike out the words "and place of business of the seller," and insert in lieu thereof the words "of the owner of the pharmacy and the address of the place where sold."

In section 1, line 27, strike out the word "reistered," and insert in lieu thereof the word "registered."

In section 1, line 38, strike out the words "practitioners of medicine," and insert in lieu thereof the words "persons authorized by law to practice medicine and surgery in the District of Columbia."

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,

Washington, May 12, 1898.

DEAR SIR: The Commissioners of the District of Columbia recommend favorable action upon H. R. bill 8390, to regulate the sale of poisons in the District of Columbia, which was referred to them at your instance for their examination and report. They transmit herewith a report of the health officer of the District, dated the 7th instant, giving the reasons why the proposed legislation is necessary; a protest dated March 18, 1898, from the committee on legislation of the District of Columbia Pharmaceutical Association, with a reply of the health officer, dated the 7th instant, thereto, and a communication, dated the 30th ultimo, from the Medical Society of the District of Columbia recommending favorable action upon the bill.

Very respectfully,

JOHN W. ROSS,

President Board of Commissioners District of Columbia.

Hon. J. W. BABCOCK,

Chairman Committee on the District of Columbia.

WASHINGTON, D. C., *March 18, 1898.*

DEAR SIR: As retail druggists of the District of Columbia, we hereby wish to most earnestly protest against the poison bill, No. 8390, now before you for your report, and to urge upon you to report it adversely for the following reasons:

In the first place there does not seem to be any reason or necessity for changing the poison law now in operation in the District which has proved most acceptable, and we can not recall any case of suicide or accident where the proposed law would have proved a more protective measure than the one we now have. We also can not see any good and valid reason why it becomes necessary to have the poison law separated from the law to regulate the practice of pharmacy. We are also of the opinion that the pharmacists of the city, and particularly the commissioners of pharmacy who are to live under and carry out the provisions of the pharmacy law, should be consulted in the preparation of such a bill; but in the preparation of this poison bill we consider that our rights have been ignored.

After careful consideration and consultation we are of the opinion that this proposed law is not for the best interest of the community. It is an infringement upon their rights, is confusing and complicated without offering any improvement. The first section of the poison bill does not permit a pharmacist to sell that heretofore

considered harmless family medicine, paregoric, in quantities more than two table-spoonfuls, unless it is put in a three-cornered bottle, marked "poison," and the purchaser's name and address entered in the poison register, necessitating us to go through the same questioning as though we were selling a potent poison; and when servants were sent for the article, a return trip home to get the information would frequently be necessary. All this, if carried out, would work unnecessary alarm and distress in the minds of buyers. It might be considered excusable to a certain degree to place some of the more deadly poisons in a peculiar and characteristically shaped container, but according to this bill it will require an innumerable number of harmless family remedies to be placed in three-cornered containers, putting them in the same category with laudanum, solution of corrosive sublimate, etc., thereby creating a tendency to divert attention from the label to the shape of the bottle, a reliance upon which would cause more errors and deaths than it would ever do good. The three-cornered bottle is not feasible, but dangerous and confusing, because bottles of this shape are now in common use for cod-liver oil and several proprietary compounds of an innocuous nature.

This bill will not permit nonresident physicians to prescribe poisons named in Schedules A and B for their patients in this city unless we mark upon the container "poison," or so mark and duly register the same according to the schedule in which the poison is named. And it must be remembered that in the event of a servant going to a drug store at night it will be necessary for him to state for what purpose the medicine is wanted. As a physician seldom or never states this, a servant would not be able to answer correctly. This will work a great injustice to outside physicians, for, under this proposed law to regulate the sale of poisons, pharmacists could only recognize the prescriptions of District of Columbia physicians containing poisons named in Schedules A and B as exempt from its operation. And in case of visiting strangers presenting prescriptions for filling, if said prescriptions be written by nonresident physicians and contain any of the articles named in Schedules A and B, pharmacists would be obliged to either decline compounding them or to mark the bottle or box with the word "poison," regardless of how small a quantity it might contain of any of the ingredients or drugs named in Schedule A or B; and if a drug be in Schedule A the prescription must be put in a three-cornered container marked "poison," and the name of the person for whom it is intended, and what ailment it is proposed to relieve, recorded, and this record kept for five years. If a member of Congress, or anyone else, had a prescription containing any of the ingredients in Schedule A or B, written by a physician living outside of Washington, and he wished it filled here, and sent it to a drug store by a servant, you can easily imagine the delay and annoyance, to say nothing of pain and suffering, when the servant would be forced to return home for the necessary answers to the queries the pharmacist would be compelled to ask him.

This bill also takes from the patient the privilege of having renewed or receiving a copy of a prescription containing either morphine, opium, chloral, or cocaine, if said prescription has written or printed upon it "not to be renewed." There would be no fault found with this paragraph if it had stated that any pharmacist would be held guilty for refilling a prescription, each dose of which contained a sufficient amount of either drug whereby the specific effect would be obtained, and the physician had written, not printed, upon the prescription, the words "not to be renewed." It would only be, if this bill should become a law, a short time when all prescription blanks would have the words printed upon them "not to be renewed;" and then pharmacists could not refill a prescription containing the smallest amount of paregoric or Brown Mixture, a popular cough remedy containing two ounces of paregoric to the pint, without the patient making another visit to the physician and getting his permission, and of course paying the fee.

Parties may have had prescriptions containing poisons named in Schedule A filled and refilled in all parts of the world, but when they reach Washington and have them filled here they must be marked "poison," put in three-cornered bottles, and the name of the purchaser and the purpose for which he wishes the medicine placed in a poison register and kept for at least five years.

We further oppose the bill as being class legislation, in favor of the physician and against the people. In opposing it we voice the sentiment of all the pharmacists in the city and uphold the interests of the community at large.

We trust you will give this letter your kind consideration, and disapprove of House bill No. 8390, which is now before you.

ROBT. N. HARPER, *Chairman*,
RAND. L. ELIOT,
WYMOND H. BRADBURY,
F. M. CRISWELL,
HENRY A. JOHNSTON,

Committee on Legislation of the District of Columbia Pharmaceutical Association.
THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA.

HEALTH DEPARTMENT, DISTRICT OF COLUMBIA,
Washington, May 7, 1898.

GENTLEMEN: In obedience to your instructions of February 23, 1898, I have the honor to submit the following report upon a bill to regulate the sale of poisons in the District of Columbia (H. R. 8390).

The sale of poisons in this District is now regulated by an act to regulate the practice of pharmacy in the District of Columbia, approved June 15, 1878 (1 Sup. Rev. Stat., 355), which differs from the bill now under consideration chiefly in the following particulars:

(1) While under existing law it is made unlawful for the proprietor of a store to permit any unauthorized person to dispense poisons, no penalty is provided for the person guilty of so dispensing them; but the proposed law relieves the proprietor of responsibility and places it upon the person compounding or dispensing the poison.

(2) The law now in force makes no reference to the manner in which poisons shall be dispensed. The proposed law requires certain of them to be dispensed in three-cornered containers.

(3) Under the law now in force the sale of any quantity of poison, by refilling prescriptions, can not be interfered with if a prescription has ever been given for such poison; but under the proposed law physicians may in certain cases relieve themselves of responsibility for such sales and protect their patients against the seductive qualities of certain specified drugs.

The differences in respect to the sale of paregoric and other preparations of opium and in respect to the labeling of the containers are not of so great importance as the foregoing.

It would not be proper to report on this measure without referring to various reports which have already been made upon it. A report made by the Committee on the District of Columbia of the House of Representatives February 6, 1897 (Report No. 2820, Fifty-fourth Congress, second session), said:

"As House bill 10038 thus appears to be a measure solely in the interest of good health and good morals, the committee, after careful consideration, favorably report the same, and unanimously recommend that it do pass with the following amendments."

The amendments recommended were adopted and the bill passed.

The corresponding committee of the Senate February 15, 1897 (Report No. 1459, Fifty-fourth Congress, second session), made a favorable report upon the same measure, but it was never voted upon in that body.

The same measure, in the form in which it had passed the House of Representatives, was introduced in the Senate in the present Congress (S. 470), and corresponds to the bill now under consideration. The Committee on the District of Columbia made a favorable report upon it May 13, 1897 (Report No. 120, Fifty-fifth Congress, first session), but later, January 14, 1898 (Report No. 451, Fifty-fifth Congress, second session), the same committee made an adverse report, the change being accounted for by certain letters published with the report, viz, a letter from the committee on legislation, District of Columbia Pharmaceutical Association, dated June 14, 1897, addressed to the Fraser Tablet Triturate Manufacturing Company of New York City; a letter from the Fraser Tablet Triturate Manufacturing Company, dated June 16, 1897, addressed to the Hon. T. C. Platt, United States Senate, and a letter from Messrs. Parke, Davis & Co., of Detroit, Mich., dated June 23, 1897, addressed to Hon. James McMillan, United States Senate, in reply to a letter from him dated June 19, 1897.

Additional literature upon the pending bill is found in the form of a memorial from the Medical Society of the District of Columbia, printed as Senate Document No. 15, Fifty-fifth Congress, first session, favoring the passage of the then pending bill, and including a copy of a report made by a committee of the Medical and Surgical Society of the same District upon the prevalence of the opium habit in that District, which had already been published as Senate Document No. 74, Fifty-fourth Congress, second session.

The objects sought to be accomplished by the proposed legislation are, first, to prevent the indiscriminate sale of poisons for unlawful purposes or to those not familiar with their character; second, to prevent the accidental administration of poisons, and, third, to prevent the formation of drug habits as far as possible. To the accomplishment of these objects there can be no valid objection; the opposition is directed against the methods by which they are to be accomplished.

The indiscriminate sale of poison is to be regulated in practically the same manner as at present—that is, by forbidding its sale "unless, upon due inquiry, it be found that the purchaser is aware of its poisonous character and represents that it is to be used for a legitimate purpose." To this there seems to be no opposition, nor does there seem to be just ground for any, unless because of its laxity; for it would appear to be not inadvisable to absolutely forbid the sale of poisons to minors or at least to children under 14 years of age, and possibly to require that the purchaser be personally known to the seller at the time of the sale.

The bill proposes to prevent the accidental administration of poisons so far as it is possible to do so, first, by making it unlawful for anyone, not a registered pharmacist or under the personal supervision of such to retail any of the poisons named, and, second, by requiring that all of the poisons enumerated be properly labeled before delivery and that certain of them be dispensed in three-cornered containers. The requirement as to labels does not differ materially from that of existing law. It is certainly reasonable, and is an efficient means of accomplishing its purpose. It might be amended with advantage so as to require the label to include a statement of the treatment to be adopted in cases of poisoning, as by such a provision valuable time might be saved toward this end while awaiting the arrival of a physician. But no label whatsoever will be effective in the case of those who can not read, nor when the bottle is picked up in the dark and medicine poured from it under a fixed belief that it contains some innocent remedy. To prevent accidents in cases of this kind, it is proposed to require that poisons be dispensed in containers such as will be readily recognized by sight independently of the capacity of the party to read the label, and which will be known by the sense of touch if picked up hurriedly or absently without reading the label or in the dark when it can not be read.

This feature of the bill has been made the point of attack by certain pharmacists, alleging that it will prevent druggists from dispensing in original packages any pharmaceutical preparation made by nonresident druggists and containing any of the poisons enumerated in Schedule A; that it is unnecessary, useless, and dangerous, because certain preparations are now sold in triangular bottles, some or all of which are alleged to be harmless, and because persons receiving poisons in a triangular container might later put into it some harmless compound, and subsequently have poison put into it again, and thus cause confusion and even accident. Indeed, it is alleged that accidents have been caused in the manner last stated, though not a single case of the kind is cited, and as, according to the very report in which this allegation is made, not a single State has such legislation in force, it is difficult to see how such an accident could yet have happened under conditions such as will exist if the pending bill becomes a law.

The first objection originated with local pharmacists, and not, as might have been expected, from nonresident manufacturers, who would be the ones chiefly concerned if the conditions alleged would really arise upon the passage of the bill. The point at issue offers an abstruse legal problem rather than one which can be settled off-hand by a group of druggists or by the health officer, involving the principles laid down in the famous original-package decision, the right of Congress to regulate interstate commerce, and the question as to how far the effect of that right would extend in influencing the interpretation of the law, which is in its title and purpose purely local, confined to the District of Columbia, and not even extending to the Territories, over which Congress has a similar jurisdiction. There has, however, never been an intimation on the part of the law officers of this District that local laws regulated the character of commerce between it and other jurisdictions. Since 1878 the law has required that the containers in which poison is dispensed shall be marked "Poison;" but druggists have not been accustomed to apply this rule to original packages, and yet have never been prosecuted for violation of the law. Persons not registered pharmacists have dispensed proprietary compounds containing poisons, but have been regarded as being beyond the reach of the law because they sold them in the original packages in which the compound had been brought into this District. Since 1888 the sale of adulterated food and drugs has been forbidden, but no effort has ever been made to enforce this law against vendors of imported original packages. While, therefore, it may be possible that the difference between the power of Congress and that of a State legislature might modify the decision if another "original-package case" were taken up from this District, it does not seem likely from the custom in vogue for the past eighteen years that the prosecuting officers are or will be inclined to gratuitously enter upon such a prosecution. Certainly the objection raised by the local druggists that the proposed law would seriously injure the interests of nonresident manufacturing pharmacists has but the frailest foundation.

Similar reasoning might be followed in reference to the objection which arises from the same source, that comparatively innocuous compounds, such as pills of aloin, belladonna, and strychnia, would have to be dispensed in triangular containers. If the proposed law would require this, the law has for eighteen years required that such preparations be dispensed under the same restrictions as to recording, labeling, etc., as laudanum and prussic acid; but it has never been the practice of pharmacists to observe such precautions, and no prosecutions have ever been brought against them for such failures. As a matter of fact, it is doubtful whether a construction of the law could be maintained which would support such a charge.

I am unable to appreciate the serious objection to the use of a three-cornered container which those opposing the measure represent as likely to arise from the present use of such containers for certain more or less harmless compounds. If such containers were in common use it might interfere with success of the proposed measure in accomplishing its purpose; but that such is not the case is shown by the

fact that the Pharmaceutical Association of this District and two manufacturing pharmacists of wide experience, one in Detroit, Mich., and the other in New York City, are unable to cite more than three preparations which are dispensed in containers of this sort (see Senate Report No. 451, Fifty-fifth Congress, second session); and the very fact that three-cornered containers are required to be used for the dispensing of poisons is apt to act as an efficient check on a more extensive use of such containers for harmless compounds.

The advantages to be derived from the use of three-cornered containers have already been set forth, but will bear repeating: First, a poison label alone is of no value as a warning to anyone who can not read, while a triangular container would indicate to anyone whomsoever the character of its contents as soon as the proposed law had been put into practical operation; and second, while, if dependence is placed upon a poison label, it is quite easy for anyone to remove the poison without reading it, either absent-mindedly or in the dark. If a triangular container be used the sense of touch would in any case give the necessary warning.

What has been previously said has reference to the prevention of accidental and criminal use of poisons. It is not, however, intended, as represented by Mr. Fraser in the report above referred to, to prevent accidents on the part of druggists, but to prevent those made by the laity, for the bill distinctly provides that it shall not be lawful to retail the poison in other than three-cornered containers, not that they shall not be dispensed from any other than such containers. But the very argument which Mr. Fraser makes against their use is really a reason for it, viz, that mistakes are made not so much on account of a want of knowledge as from absence of mind, for it is the latter which such characteristic containers will guard against.

Another purpose of the bill, and by no means the least important one, is to prevent the formation of drug habits so far as lies within the power of the medical fraternity to do so. The alarming increase in the prevalence of such habits is fully set forth in a report by a committee of the Medical and Surgical Society of this District, printed as Senate Document No. 74, Fifty-fourth Congress, second session. It is sought to accomplish this end by making it illegal for anyone to "repeat" a prescription when directed by the prescribing physician, in writing or printing on the face of the prescription, not to do so. The effect of this provision is to prevent a person for whom it is necessary to prescribe one of the habit-forming drugs enumerated in the bill, such as opium or cocaine, from having the prescription refilled indefinitely until he finds himself a slave to the drug. This provision does not in any way interfere with the right to sell to anyone desiring it any amount of such a poison under the same conditions as he might have sold it if the prescription had not been issued, but it will prevent him from dispensing it under the cloak of the prescription and then attempting to throw the responsibility for a ruined life upon the physician who gave the prescription. There can be no objection on the part of the patient to such a measure, for it is for his protection. If he should object to it he can adjust his differences with his physician, refusing, if he wishes to do so, to accept a limited prescription and going to someone who will furnish a prescription without such a restriction if he can find such an one. Certainly no druggist who is himself unwilling to take the responsibility of selling the desired poison under the general provision of law authorizing him to do so should be permitted to screen himself behind a stale prescription of some physician to secure the profit arising from the sale.

This bill has been carefully prepared by those familiar with the needs of this community in this matter. If I should suggest any amendments, they would be such as have been pointed out in this report, and all in the line of increased stringency. It seems to me to be, however, better to leave the matter of amendments to the committees of Congress, which must consider the entire subject. I have the honor to recommend, therefore, that this bill be returned to the Committee on the District of Columbia of the House of Representatives with a favorable indorsement.

Very respectfully,

WM. C. WOODWARD, M. D., *Health Officer.*

The COMMISSIONERS OF THE DISTRICT OF COLUMBIA.

HEALTH DEPARTMENT, DISTRICT OF COLUMBIA,
Washington, May 7, 1898.

GENTLEMEN: I have the honor to return herewith the letter of the committee on legislation of the District of Columbia Pharmaceutical Association (No. 229966, Commissioners D. C.), protesting against the passage of the pending bill to regulate the sale of poisons in the District of Columbia (H. R. 8390) and requesting that the Commissioners make an adverse report upon it. I have carefully considered the reasons for this protest and request, as set forth in this letter, but have been unable to find anything in them, taken either singly or collectively, which appears to me to

be sufficient to support the protest and request of which they form the basis. The letter itself is so involved that it will be necessary to state briefly the various objections to the proposed legislation which are alleged in it in order to clearly comprehend their purport and to reply thereto.

First. It is objected in the first place that there is neither reason nor necessity for changing existing law. In reply to this it is only necessary to invite attention to the fact that a different view has been taken by the House of Representatives, which, at the second session of the Fifty-fourth Congress, passed a bill identical with the pending measure, and by the Committee on the District of Columbia of the Senate, which twice favorably reported such legislation. Attention is also invited to certain interviews with leading druggists in this city published in the Evening Star of August 6, 1897, a copy of which is inclosed. (See Exhibit A.)

Second. It is further objected that there is no valid reason for separating the law to regulate the sale of poisons from the law regulating the practice of pharmacy, but as there is no valid reason why they should not be separated such objection can carry no weight. The separation is in the interest of clearness and convenience.

Third. It is further objected that the pharmacists were not consulted in the preparation of the proposed legislation and that their "rights" were thereby violated. I am not aware that they, either individually, collectively, or through the commissioners of pharmacy, have any special "right" to be consulted in the preparation of legislation which it may be proposed to present to Congress, which can be violated and whose violation will militate against the efficiency or desirability of such legislation.

Fourth. It is further objected that the proposed law would be an infringement of the rights of the community, but as the specific manner in which it would infringe such rights is not set forth, no reply is possible. Personally I am unable to conceive what is intended to be meant by the reference, the measure appearing rather to conserve such rights against evilly disposed individuals.

Fifth. It is further objected that the pending bill is confusing and complicated, but an examination of it fails to reveal a single particular in which the allegation appears to apply. The failure of those making this objection to cite instances of such confusion and complication is much to be regretted, and can only be accounted for on the ground that it was impossible to do so.

Sixth. It is further objected that this bill regards paregoric as a poison and not as a "harmless family remedy," an objection which is quite inexplicable. Paregoric is not now, nor, so far as I am informed, has it ever been, regarded by the medical profession as a "harmless family medicine." It is a poison and should be so classified.

Seventh. It is further objected that the proposed law would require "an innumerable number of harmless family remedies to be placed in three-cornered containers, putting them in the same category with laudanum, solution of corrosive sublimate, etc." As a matter of fact, this bill if passed will not change the classification of poisons from that which now exists, nor will it require any drugs to be sold in three-cornered containers which it does not now require to be sold under all the restrictions which are applied to the poisons enumerated in it.

Eighth. It is objected that the three-cornered container "is not feasible, but dangerous and confusing, because bottles of this shape are now in common use for cod-liver oil and several proprietary compounds of an innocuous nature." The fact that three-cornered bottles have been employed by manufacturing pharmacists is sufficient evidence that they are feasible. They are not, however, in "common" use, for it is not believed that as much as one-tenth of one per cent of all bottles in use are of this shape. But even if they were in common use, it is impossible to see how it would make them "dangerous and confusing." The mistaking of harmless compounds for dangerous ones would be no more likely to occur than at present and could in no case result seriously.

Ninth. It is objected that prescriptions for poisons could not be renewed if directed not to be renewed by the prescribing physician, and that the patient could not receive a copy of such prescription. There is nothing whatsoever in the bill which will prevent the patient from receiving a copy of any prescription if the pharmacist is inclined to give it to him. The prohibition as to the renewal of prescriptions in certain cases is one of the most valuable features of the entire measure. It does not confer any new right, but merely provides a method of enforcing one which already exists. The pharmacist is, in the compounding of a prescription, merely the agent of the physician. He is bound by the directions given upon it, and has no more right to disregard an order not to renew it because it is profitable for him to do so than he has to disregard directions as to the ingredients, method of compounding, or method of administration for a similar reason. In any case the disregard of such directions is at the risk of the pharmacist. The provision that the druggist shall not be permitted to evade the law under cover of compliance with the order of a physician, when, as a matter of fact, the physician disclaims such order, is extremely important, and, as framed, will not interfere with the sale of poisons, even of the sort contained in the prescription, in the same manner as if the prescription had

never been issued. So far as the right of the patient is concerned, when he accepts a prescription for a sufficient quantity of medicine to last one week, with an order upon it that it is not to be renewed for a longer period, he has no more right, either moral or equitable, to expect or demand upon the authority of such a prescription a quantity which will last a longer time than has the purchaser of a note payable in thirty days to expect to draw interest upon it for sixty days if he so desires. And when a physician is unwilling to be responsible for the administration of a given poison for a period longer than a specified time, he has a perfect right to limit his responsibility to that time.

Tenth. It is further objected that the bill will not permit foreign physicians to prescribe certain poisons unless the usual precautions as to label, etc., are observed. A provision which would change this rule would be made a ready means of evading the law. Druggists have no means of determining whether what purports to be the prescription of the nonresident physician is genuine or not. If, therefore, they are at liberty to regard everyone who alleges himself to be a nonresident physician as really such, and every prescription which purports upon its face to come from another jurisdiction to really so originate, a ready means of evading the law would be afforded not only to the druggist, but also to every individual who was inclined to do so. If any method can be devised whereby this difficulty can be avoided without destroying the efficiency of the proposed law, there can be no objection to it, but the infrequency of cases of the kind cited is such as to make it an objection of no great importance.

Eleventh. It is further objected that the measure is "class legislation in favor of the physician and against the people." Disregarding the manifest understanding of the meaning of the term "class legislation," it is only necessary to say that no facts or references are given in support of the allegation. In actual experience the physician would derive far greater profit from the treatment of a single case of the opium or cocaine habit, accidental poisoning or attempted suicide or murder occurring because of the unauthorized renewal of prescriptions containing poisons, through the cupidity or carelessness of the druggist, than he would be likely to derive from the consultations likely to come to him during his entire life for the renewal of prescriptions containing poison. It is strange, though by no means inexplicable, that no objection is made to the monopoly which this bill gives to druggists as to the sale of the poisons enumerated in it, and which monopoly this very committee on legislation of the District of Columbia Pharmaceutical Association sought to extend so as to include even the household ammonia, such as is ordinarily sold by grocers for domestic purposes. (See S. 1330, Fifty-fifth Congress.)

Twelfth. It is finally objected that the proposed bill is not an improvement over existing law. This is merely a matter of opinion, in reference to which contrary judgment has been passed by others quite as competent as those presenting this protest. It is not so great an improvement as might have been secured by making the measure much more rigid, as suggested by certain druggists and by the United States district attorney in recent interviews. (See the Evening Star, August 4 and 6, 1897, Exhibit A.) It is, however, as rigid a measure as it had been thought wise to present at the present time. Additional restrictions which will improve it can be presented to the Congressional committees which will have charge of the measure by those who object to it in its present form.

I have the honor to recommend, therefore, as the result of a careful review of the entire letter, that the request therein contained that the Commissioners make an adverse report upon the bill to regulate the sale of poisons in this District be not complied with, and that the committee on legislation of the District of Columbia Pharmaceutical Association be so informed, but that copies of this protest and of this report upon it be sent to the Committee on the District of Columbia of the House of Representatives, which now has under consideration the bill protested against.

Very respectfully,

WM. C. WOODWARD, M. D.,
Health Officer.

The COMMISSIONERS OF THE DISTRICT OF COLUMBIA.

EXHIBIT A.

[Evening Star, August 4, 1897.]

THE SALE OF POISON—THE PRESENT LAW GOVERNING IT IS INADEQUATE FOR THE PURPOSE—VIEWS OF DISTRICT ATTORNEY DAVIS.

The suicide of the unfortunate girl Sadie Tasker several days ago called renewed attention to the careless manner in which deadly poisons are dispensed in Washington, and the result will probably be that new legislation will be secured from the

next session of Congress which will place safeguards around the sale and purchase of poisons sufficiently strong to prevent a repetition of the poor woman's deed. The inquest over the body of the girl disclosed the fact that she had quarreled with her lover after a spree, and had drank more heavily in consequence, and while drunk had secured from Druggist William P. Phelps, of Thirteenth and C streets NW., a bottle containing a large quantity of sulphate of morphia. The intending suicide procured the poison merely by representing that she wanted it for another woman of her class who was addicted to the use of the drug.

The investigation inspired by the tragedy developed that the law in force in the District governing the sale of poisons is entirely inadequate for the purposes intended.

A TALK WITH DISTRICT ATTORNEY DAVIS.

United States District Attorney Henry E. Davis was asked by the Star reporter this morning to give his views on the present laws governing the sale of poisons in the District of Columbia, and his ideas as to the necessity of better legislation on the subject.

"The law at present, if properly enforced," said Mr. Davis, "is a good law. There is one difficulty about it, however, and that is inherent in the subject-matter itself. There ought not to be any poison allowed to be sold without either the prescription of a physician for the particular instance, or in cases in which the druggist has been previously made aware by a reputable physician that the person applying for the poison needs it in reasonable quantity from time to time, as in the case of those addicted to the morphine habit, but no druggist ought to be permitted, except in very extreme cases of exigency, if at all, to sell a poison as the law now permits it to be sold, upon his finding, on what he considers due inquiry, that the purchaser is aware of its poisonous character, and the mere representation of the purchaser that it is to be used for a legitimate purpose.

"Take, for example, the case of a person applying to a druggist for arsenic," continued Mr. Davis. "According to the law as it now stands, the druggist is permitted to sell arsenic if, upon inquiry, he finds that the customer knows the poisonous character of arsenic and represents that it is to be used for killing rats. This is manifestly absurd, for the reason that no intending suicide or murderer would ask for anything except what he knew beforehand to be a deadly poison, and, in order to obtain it, it is merely necessary that he should tell a lie.

THE DIFFICULTIES PRESENTED.

"What I mean by the difficulty being inherent in the subject-matter of the law is, for instance, that in the case of one addicted to the morphine habit who is a stranger to the druggist, the unfortunate victim of the habit frequently really needs the drug when a physician is not at hand to prescribe it, and even getting a prescription would involve what might seem an unnecessary expense in the way of a fee to the doctor. In such a case it would seem a hardship to the victim of the habit not to be able to get the necessary relief. But this is only one of many instances in which individuals are properly required to suffer inconvenience for the general good of the public, and in every such case a resident sufferer would have it in his power to forestall the inconvenience by having his name properly recorded with his druggist as I suggest. Of course, this would not aid the total stranger; but of course no law can take account of every possibility in such cases.

SERIOUS LIABILITY OF DRUGGISTS.

"Another phase of the matter is that, whether they know it or not, druggists are liable to incur the penalty of manslaughter by the negligent selling of poison to persons who, from their known recklessness of character or manifest drunkenness at the time of their purchase of poison, are likely to use it for the purpose of suicide. This manifestly is a consideration of the first importance, both to the community and to the druggists.

"As respects the penalties prescribed for failure to observe the present law, the mere imposition of a fine is too slight to meet the requirements of the case. A law with proper provisions hedging about the sale and purchase of poison, and prescribing adequate penalties for its breach, is as much a necessity as any other law intended for the general protection of the health and lives of our citizens. Bills are now pending in Congress intended properly to cover this subject, and recent occurrences in the community will doubtless have good effect in bringing about the passage of a law meeting the necessities."

[Evening Star, August 6, 1897.]

DRUGGISTS DIFFER—THE SALE OF POISON IS REGARDED IN VARIOUS WAYS—MAJORITY FAVOR STRICTER LAWS—INTERVIEWS WITH SOME OF THE PROMINENT LOCAL PHARMACISTS.

A number of druggists were called on to-day by the Star reporter and their views solicited upon the necessity of the adoption of some law which will more effectually prevent the indiscriminate sale of poison by pharmacists in the District than the law now in force. The consensus of the opinions expressed was to the effect that more stringent regulations should be provided, as will be shown by the quoted views of well-known druggists which follow.

Mr. W. S. Thompson, of Fifteenth street, however, who has given the subject much thought, believed that there were many difficulties in the way of preparing a law which would meet all the requirements.

"The entire subject should be carefully examined," said Mr. Thompson, "and a law prepared, if possible, that will preserve the rights of the public and not embarrass reputable pharmacists in their relations with the public. There is a vast amount of poison of various sorts used in Washington every year in a legitimate way, and probably three or four instances in which it is used illegitimately. Hotels, for instance, may send for as much as 5 pounds of cyanide of potassium at one time for cleaning purposes. That is enough to kill everybody in Washington, almost. Photographers use the same deadly drug in large quantities in their art. Pure carbolic acid is a deadly poison, yet it is used in great quantities. A general law of a preventive sort might work to the disadvantage of a great number of people, so I say that any law on the subject should be drawn with the greatest skill possible."

Dr. J. M. Winter, one of the commissioners of pharmacy, who was present, agreed with Mr. Thompson.

Mr. G. G. C. Simms, of Fourteenth street and New York avenue, also a commissioner of pharmacy, said that a bill had been prepared by the local druggists' society and presented to Congress, and the physicians of the city had prepared another on the subject of the sale of poisons. The two bills did not agree.

"I think the present law can be very much improved, and that it should be. I trust the present agitation may lead to such a result, but the law must be drawn with great care, in order to preserve the rights of the public and of those who dispense drugs of a deadly character."

SAFEGUARDS BADLY NEEDED.

Other interviews were as follows:

Charles J. Gillette, the Shoreham drug store, Fifteenth and H streets NW.: "Any law that will prevent the promiscuous sale of poisons would be a welcome one to everybody, but especially to the druggists themselves. The present law is entirely lacking in providing proper safeguards. The law which governs the sale of whisky by druggists and which compels the presentation of a physician's prescription and forbids the refilling of such prescription unless ordered by the doctor, and which provides a penalty of \$400 for failure to observe its declarations, would be a good law to use as a basis upon which to draw up an efficacious poison law."

E. P. Mertz, Eleventh and F streets NW.: "There should be a law as stringent as possible to make the sale of poisons, in which I include morphine, opium and its products, cocaine, and the like, well guarded. Their indiscriminate purchase and the mere entering of the name of the purchaser and the character of the purchase in a book such as the present law permits makes it entirely too easy for persons to secure poisons. I do not believe they should be dispensed except on physicians' prescriptions, and the prescriptions should not be renewed except on the written order of the doctor giving it originally."

AN ADEQUATE LAW DEMANDED.

Charles A. Prentiss, Ninth street and New York avenue: "An adequate law to govern the sale of poisons in the District is urgently needed."

A. F. Hendershott, Thirteenth and F streets NW.: "A good law which would serve to protect the dispensation of poisons would be an admirable thing for the public and the druggists alike."

Henry Evans, 938 F street NW.: "I have always regarded the pharmacy law, in its relation to the sale of poisons, as being lamentably weak. There should be a new law passed that will make the indiscriminate sale of poison, which is now virtually permitted, impossible. No poison should be sold, in my opinion, except on the order of a physician or after the closest investigation on the part of a druggist into the character of the person wanting it. The great trouble is that the present law allows druggists to sell poison to purchasers whom they do not know. I am in favor of a new and stringent law."

Herbert N. Beall, Connecticut avenue and Q street NW.: "A law that will prevent the indiscriminate sale of poison in Washington would be one of the best measures a Congress could pass."

ANOTHER VIEW OF THE SUBJECT.

Several pharmacists were seen who declined to be quoted for publication. Their opinions were voiced by a well-known druggist, whose establishment is largely patronized:

"I do not think it is the province of newspapers or coroners' juries to go into the subject of the sale of poison. The druggists are intelligent men and can manage the dispensation of deadly drugs without any radical danger to the community at large. Any blue laws on the subject would work injury to the great majority of people who use poisons legitimately. Suicides from poison are unfortunate, but so are suicides by drowning, shooting, stabbing, and hanging. Poisons are a necessity, and when discretion and intelligence govern their sale, as is the case almost universally in Washington and elsewhere, there is no necessity for rigorous laws of a preventive character being adopted. It is a very important subject and should not be approached from the standpoint of sentiment where there is so much of the practical at stake."

[Evening Star, August 7, 1897.—Editorial.]

THE SALE OF POISONS.

The druggist whose views on the subject of the sale of poisons were given in last evening's Star will hardly find that he has struck a responsive chord in the local breast. He takes the ground that the subject of the dispensation of poisons should be left wholly to the discretion of the pharmacists, who, as intelligent men, may be relied upon to use care in their sale of the deadly drugs. It is not a matter of sentiment, he says, but of business. That is precisely the ground that the protesting public has taken in its demand for vigorous prosecutions and for more stringent laws if the present statutes are not sufficient. There is too much sentiment now about the need of supplying morphine and similar stimulants to the victims of such habits. Those habits are evils, not necessarily confined in their effects to the individual victims, but affecting the physical welfare of others. The matter is practical enough to warrant the most careful restrictions being placed upon all branches of trade that contribute in the least to such demoralizing tendencies.

It is to be observed that most of the druggists who have given their views to the Star agree that more severe statutes will operate to their own advantage by relieving them of undue responsibility and by removing the ever-present danger of prosecution for what might be honest infractions of the present regulations. It will not do for the pharmacists or for any one of them to assert that in so grave a matter the people and their authorized legal agents have no right to interfere with the details of trade. Such interference is practiced, as the Star indicated the other day, in the case of the alcoholic liquor traffic, and is far more properly exercised when the more direct and immediately disastrous poisons are under consideration. It is easy to cry "blue laws" when sensible restrictions are placed upon any branch of trade for the palpable benefit of the entire community, but it is difficult to sustain the objection in reasonable terms. The purpose of strict laws and their thorough enforcement along these lines is not, as the druggist seems to intimate, to prevent suicides, for it is plain that there will always be an abundance of means for self-destruction. The object rather is to enable the law and its agents to keep a watch over the traffic in these deadly elements and to guard against individual errors of judgment.

[Evening Star, August 2, 1897.]

IMPORTANT INQUEST—INQUIRY HELD INTO THE DEATH OF THE LATE SADIE TASKER—POISON SOLD WITHOUT A PRESCRIPTION—THE CORONER'S JURY RECOMMENDS AN INVESTIGATION BY THE GRAND JURY—MAY HAVE GREAT EFFECT.

In accordance with his expressed intention of looking into the practice some druggists in this city have of selling poisons without a physician's prescription and in unlabeled form, Dr. Glazebrook, acting coroner, conducted an inquest into the death of Sadie Tasker, an inmate of a house of ill fame, who committed suicide by taking morphine Friday night, this morning at the first precinct station house. The inquest was held for the purpose of bringing out the facts as to how and where

the woman obtained the poison, and some interesting developments along this line may be looked for as the result of the action this morning.

The inquest as a whole was one of the most business like that has taken place in the District for some time, and results from it may be looked for. Dr. Glazebrook enforced a new order with regard to smoking, and the general air of the inquest was one of strict observance of the proprieties.

The jury was first taken to Harvey's undertaking establishment, where the members were sworn. They were O. B. Jenkins, E. W. MacIntosh, A. G. Hunter, O. L. Pelney, T. C. Henderson, and A. J. Comiskey. Upon their arrival at the station house again the inquest was immediately proceeded with.

Seated at the table with Dr. Glazebrook were District Attorney Henry E. Davis, Assistant District Attorney John E. Laskey, and Major Carrington, who appeared as counsel for Dr. William P. Phelps, the druggist, at the corner of Thirteenth and C streets northwest, who sold the Tasker woman the drug.

THE CAUSE OF THE GIRL'S DEATH.

The first witness was Dr. Sterling Ruffin, who made an autopsy on the body of the suicide Saturday. He testified that he was sure that death had resulted from narcotic poisoning, and that the kidneys and brain were much congested, either condition being sufficient to cause death.

He was followed by Della Ferguson, who keeps the house at 328 Thirteenth street, where the Tasker woman was an inmate. She said that to her knowledge the dead woman had never been in the habit of using drugs of any kind, but that she drank a great deal. She had been drinking harder than usual for several days before her death. Friday night she went out several times after whisky, but not until after witness had heard the Tasker woman and a man had been quarreling.

She heard the former say: "Don't you dare to go; don't you dare to leave me like that." The Tasker woman then went to bed, but came down to the second story about 10 o'clock, going to a back room, where she died in the morning. She said that she had heard the suicide raving and making some noise in the night and had looked in at her several times, but thought she was under the influence of liquor more than usual. She had sent for a doctor three times, but he did not come until morning, when it was too late.

THE DRUGGIST'S RECORD BOOK.

John L. Kilmartin, precinct detective, testified that he had made a transcript of the entry referring to the sale of the poison to Sadie Tasker from Dr. Phelps's poison-record book, and had taken the book itself this morning, at the order of the coroner. He said he thought the majority of the women in that section of the city used drugs, but he did not know whether this one did or not.

Hattie Armstrong was the next witness. She is an inmate of the Ferguson house, but did not know much about Sadie Tasker. Witness saw her Friday evening come into the room about 9 o'clock, take a goblet half full of water, and pour a white powder into it from a glass. When asked what it was, the Tasker woman responded that it was lemon seltzer for her head. She had heard her through the night, but did not pay much attention, and was awakened in the morning after she was dead. She had gone to the woman's room in the third story and had found a morphine bottle in her bureau drawer. She brought the bottle downstairs and set it on the table, where later it came into the officer's possession.

The bottle was here produced by Dr. Glazebrook. It was a round bottle of brown glass 2 or 3 inches high, with only the label of a Philadelphia firm upon it. The druggist of whom she had procured the drug in this city had not relabeled the bottle. All of the witnesses who had seen the bottle on the night or the morning in question identified the bottle.

HOW THE POISON WAS SECURED.

The next witness threw more light on the case than any. It was Nellie Ashland, from Lotta Stanton's house, at 312 Thirteenth street. She said she had known Sadie Tasker for seven or eight years, and had never known her to be addicted to the use of drugs, but that she was always a hard drinker. She herself was addicted to the use of morphine and always had one or two bottles around her room. About 1 o'clock Friday afternoon she said that Sadie Tasker came to her and asked for some morphine, saying it was for a woman in her house. Upon being refused she went away, saying she would see another girl. She came back later in the evening, however, and this time secured an empty bottle—the one produced in evidence—from the Ashland woman, with which she repaired immediately to the drug store kept by Dr. Phelps. The Ashland woman said that Sadie Tasker was in excellent spirits and did not seem to be worried by any trouble, fancied or real.

DRUGGIST PHELPS ON THE STAND.

After some little discussion Dr. Phelps was called as the next witness. Dr. Glazebrook told him that he would like him to answer several questions which would throw light upon the case, but that such answers were entirely within his own discretion, and that he need say nothing should he desire to follow that course.

Upon being questioned he said that Sadie Tasker had come to his store about 8.30 o'clock Friday evening and had given him the bottle in question, saying that she wanted 25 cents' worth of morphine for Nellie Ashland. Although he did not recognize the woman and never had seen her before, he knew the Ashland woman, and also knew that she was addicted to the use of the drug, as he had sold it to her many times previously. He asked Sadie Tasker, however, if she used the drug, and she said that she did. Upon questioning, Dr. Phelps said she had no prescription for the drug, and that although he is a doctor, entitled to practice medicine in the District of Columbia, she did not ask him to treat her nor did he write a prescription.

He made the entry upon his book in pencil, but finding that it was rapidly fading, the writing being light in the first place, he was advised by Sergeant Acton the next day (Saturday afternoon) to trace it in ink, which he did.

SOLD POISON WITHOUT PRESCRIPTIONS.

He said that he had sold her from 25 to 27 grains, but that he did not measure it carefully, as he knew for what purpose the drug was being bought, and one or two grains out of the way in quantity did not matter. He said that he had about twenty-four regular customers for morphine and laudanum, and that none of them brought a doctor's prescription for the same. He gave it to them because he knew that they were in the habit of using the drug. He said that he had not had a pamphlet of the law governing the sale of poisons in the District for over a year. Some of his customers bought 25 cents' worth of morphine every day. Sometimes he neglected to register these sales when in a hurry, and especially where it was the case of a steady customer. Dr. Phelps also stated that the Tasker woman did not seem to him to be depressed in spirits.

He noticed that she appeared to be, from the symptoms he observed, in the habit of using drugs of some sort, as he thought, but as she said it was for some one else he believed her and let her have the drug.

OBJECTIONS BY MAJOR CARRINGTON.

The book of entries as to poisonous articles was then brought into evidence. Dr. Phelps stated in the course of his testimony that, while he did not know the number of calls he had for drugs during the day, he had about twenty-four regular customers. The book showed seventeen calls from Friday night until Saturday night. Dr. Glazebrook here called attention to the fact that, while there were seventeen calls in two days, the book showed no entry from the 8th of July to the 18th, from the 20th to the 24th, and from the 28th until the 30th. Upon asking Dr. Phelps the reason of this, the latter was advised to keep quiet by Major Carrington.

Dr. Glazebrook then started to pass around the book for the inspection of the jury, when Major Carrington again interposed. The objection was finally settled by allowing the book to be seen by the jury and giving Dr. Phelps a chance to make a statement explaining the omissions in the record. This he did by saying that when a regular customer called for a drug he did not register, as some of them called twice a day and he could not leave his work to register every time. In all probability, he said, he had had no new calls on the days the register was neglected. He admitted that none of those that came for morphine had prescriptions or anything in the way of a doctor's order for the drug, but that he knew they were in the habit of using it.

Precinct Detective Kilmarten was recalled at this point. He said that nothing had passed between Sergeant Acton and Dr. Phelps or between himself and the doctor as to the distinctness of the record, and that neither he nor Sergeant Acton had suggested to Dr. Phelps that he trace over the entry in ink. He said he could read it then as plainly as he could now.

MR. DAVIS ASKS DIRECT QUESTIONS.

Dr. Phelps was again brought on the stand and asked some questions with regard to fatal doses and regular doses of morphine.

District Attorney Davis asked one question here which may have a bearing upon the case at some future time:

"Although you thought this woman was addicted to the use of morphine or some drug, you sold her 25 grains of morphine without a doctor's prescription, simply because she said she wanted it for some one else?"

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Dr. Phelps answered that he believed her, and this closed the examination of witnesses. The jury was then left alone to decide upon its verdict.

THE VERDICT.

In about twenty minutes the following verdict was given:

"We, the jury, do believe from the evidence that Sadie Tasker came to her death about 6.30 o'clock a. m. Saturday, July 31, 1897, at 328 Thirteenth street NW., Washington, D. C., from an overdose of morphine administered by herself. We further believe that the sale of poisonous drugs is practiced in the city without due regard to the law relating thereto, and would recommend that this matter be investigated by the grand jury with the view of compelling a better observance of the law applying to the sale of poisonous drugs in the District of Columbia."

District Attorney Davis was seen by a Star reporter after the inquest, and he gave assurance that the case would be investigated to the fullest extent.

[Post, March 26, 1897.]

POISON FOR HIS FATHER—HOPKINS'S 10-YEAR-OLD BOY PUT ARSENIC IN HIS FOOD—THE LARGE QUANTITY SAVED HIM—PLOT CONCOCTED BY THE CHILD AND A COMPANION TO GET POSSESSION OF THE WEALTH OF A SOUTH WASHINGTON GROCER BY KILLING HIM—THE DEADLY DOSE IN A PIE—HOPKINS AND A WOMAN SERVANT WERE TAKEN VIOLENTLY ILL FROM EATING IT.

Nothing but the ignorance of a small colored boy of the effects of arsenic prevented a double murder from being committed in south Washington last Friday. The facts in the case only came to the knowledge of the police yesterday, and Professor Hopkins, 10 years of age, and George Diggs, aged 20, were arrested by Officers Williams and Hutchinson of the Fourth precinct, charged with assault with intent to kill.

The attempt was made upon William Hopkins, the father of Professor, and the method employed was to place the poison in some sweet-potato pie. A girl employed by Hopkins, Fannie Taylor, also partook of the pie and suffered from the effects of the poison. When arrested Professor admitted that he had tried to poison his father and implicated Diggs, whom, he said, had told him what to do. Diggs was formerly employed by Hopkins, but had been discharged and was endeavoring to get his old place back at the time the poison was secured.

William Hopkins has for the past two years been engaged in the grocery business at the corner of Four-and-a-half street and Maryland avenue SW., and has done a large business and accumulated considerable money. Professor, as he was duly christened, has evidently been looking with envious eyes on his father's money, for he has been heard several times of late to remark how much money he would have when the old man died.

THE PLOT CARRIED OUT.

On Monday of last week he went to a nearby drug store and asked for a box of rough on rats. The druggist had none in stock, and presuming that it was for the boy's father, whom he knew, he asked him if arsenic would not do as well. The boy went away and returned later and said that he would take the arsenic, and told the druggist to charge it to his father, who would call and settle. At the same time he purchased some quinine. He took the arsenic home and hid it in a shed, and on Friday saw an opportunity and slipped a large quantity of it in some sweet-potato pie that was being made by Fannie Taylor. Both Hopkins and the woman ate of the pie and they now recollect Professor did not care for any pie that evening.

During the night Hopkins and the woman were taken violently ill, and vomited nearly all night. In the morning they compared notes, and a physician was consulted, who said the symptoms indicated arsenical poisoning, but that he could not state so positively. As no means could be thought of by which arsenic could have been introduced into the food, they came to the conclusion that it could not be from that cause.

IMPLICATES HIS COMPANION.

The discovery of the facts in the case was purely accidental, and if Professor had paid for the arsenic and quinine it would probably never have been known. Yesterday the druggist called at the store and made a purchase from Mr. Hopkins which amounted to 15 cents. He told him then that it just squared his account with Hopkins. As Hopkins appeared to know nothing of the transaction he told him of the purchase of the arsenic and quinine by Professor. Hopkins immediately found the boy and

questioned him in regard to it. The boy admitted enough to implicate Diggs, and the officers were called and both were taken into custody. Professor said at the station that Diggs sent him for the rough on rats, and suggested the whole scheme to him, and that he entered into it from a desire to get possession of his father's money. Diggs, on his part, denies all knowledge of any of the transactions, but the police are inclined to think that he is implicated, and that his object was to get even with Hopkins for discharging him. The quantity used was enough to destroy a regiment, and the large quantity taken by Hopkins and the woman caused almost immediate vomiting, and the poison was expelled from the system before it had a chance to do much harm. It was stated at the station last night that Hopkins would prosecute his son, and if so he will be tried in police court to-day and sent to the Reform School until he is 21.

[The Evening Star, Tuesday, March 29, 1893.]

THE JURY'S FINDINGS—INVESTIGATION RESPECTING THE SUDDEN DEATH OF ANN BEAN—POISON GIVEN BY PERSONS UNKNOWN—REPORT OF THE EVIDENCE OBTAINED BY CORONER CARR—ARSENIC EMPLOYED.

Coroner Carr held an inquest this morning at the Sixth Precinct station in the case of Miss Ann Bean, who died from the effects of a dose of arsenic, administered in coffee, on the 9th of this month. The inquiry began at 11 o'clock. Miss Bean, as published in the Star at the time of her death, was 98 years old, and had lived in the family of Mrs. Harriet Ferguson, No. 422 Fifth street SE., for several months prior to her sudden death. Detective Lacy made a thorough investigation of the case and had a number of witnesses before the coroner's jury.

The woman's death resulted from a dose of arsenic, administered by some person unknown.

FIRST WITNESS.

The first witness was Deputy Coroner Glazebrook. He testified that he performed the autopsy on the body of Miss Bean the 10th of this month. He found that she was a remarkably healthy woman. Her age, he judged, was between 80 and 100 years, and her body was well preserved. The appearance of the stomach, he said, caused him to believe there was arsenic poison present. Witness said the woman's stomach contained about 8 ounces of what appeared to be oatmeal, and he detected the odor of coffee. Dr. Glazebrook said he turned over to Professor Hird, chemist of the health department, the contents of the stomach for analysis, and he found a large quantity of arsenic in it, as he (Glazebrook) had suspected. Some coffee in a pot in the house was also examined and arsenic enough to kill several persons was found.

DETECTIVE ON THE STAND.

Detective Lacy, who made an investigation of the case, testified that he interviewed every member of the family. Mrs. Ferguson told him that she had had no poison in the house, and witness made a search of the premises but found no poison. Witness said he had visited a great many drug stores and had found all the poison ledgers in good shape, with one exception, where he found the leaves of the book showing sales prior to March 15th missing. The next day the druggist succeeded in finding the leaves and witness summoned him before the jury of inquest.

Witness said that during the investigation he learned that some time previous to the poisoning Anderson Berry, son-in-law of Mrs. Ferguson, had complained of the peculiar taste of some food sent him, and Mr. White, his employer, made an effort to procure an analysis of the food, but for some reason it was not made. Witness detailed at length the investigation he made and said Mrs. Ferguson afterwards called on Inspector Mattingly and said that some "rough on rats" had been in the house.

When Miss Bean died Mrs. Ferguson sent word to her son Robert not to drink the coffee she had sent him. Detective Lacy said that Robert had eaten his meal but had not touched the coffee. Mrs. Ferguson made the coffee the afternoon before Miss Bean's death.

THE ANALYSIS.

Prof. J. D. Hird, of the health department, testified to the analysis that he made of the contents of Miss Bean's stomach, the boiled coffee, some milk, and some unmade coffee. In the boiled coffee that had been left in the pot and in the contents of the stomach he found large quantities of arsenic, enough to have killed several persons. The milk he found perfectly pure.

Dr. James R. Wilder testified that the morning of the 9th of this month he was called to Mrs. Ferguson's house in a hurry. He saw Mrs. Ferguson and said her symptoms were those of acute indigestion. Miss Bean was also sick and he left word for her to take medicine he had prescribed for Mrs. Ferguson. Later in the day he learned of Miss Bean's death, and then he returned to the house. Dr. Hazen was called in the case with him, and witness said he seemed to agree with witness' diagnosis.

Witness said he was told the people in the house had been poisoned, but he endeavored to disabuse their minds of such an idea. He had been called there once before on a similar complaint and had found that the sickness complained of was an attack of acute indigestion. At that time members of the family had eaten of some canned corn and cabbage. On that occasion he learned that there had been some canned corn and cold cabbage in the house, although it was denied that any of them had partaken of the cabbage. When questioned by Detective Lacy, he said he had taken samples of the milk and coffee to the health office, but the officials there declined to make an analysis of them. Dr. Wilder said the Fergusons were for the most part nervous people, but he could not say that the mind of one of the children was affected.

SICK AFTER DRINKING COFFEE.

Mrs. Harriet Ferguson testified that she was taken sick at her stomach about fifteen minutes after she drank a cup of coffee.

"Who made this coffee?" she was asked.

"I made it myself," she answered.

"When did you make it?"

"The night before."

Witness said her son Peter was taken sick soon after he left home. He drank of the coffee before he left and was taken sick while on his wagon.

Mrs. Ferguson said Miss Bean, her son Peter, and herself were the ones who usually partook of the coffee.

"Mrs. Ferguson," asked the coroner, "have you any idea who put the poison in the coffee?"

"Indeed, I haven't the slightest idea in the world," she answered.

"Did you have any 'rough on rats' in the house?"

"No, sir," she answered. She added that about six years ago her husband had a box of the poison for rats in the stable, but her daughter Hattie, said she had put it in the ash barrel. Witness said she drank the coffee about 7 o'clock in the morning, while Miss Bean did not have her breakfast until about 10 o'clock. Her daughter Hattie, she said, could not appear as a witness because she is sick.

Detective Lacy told the jury of the different members of the family. Miss Bean, he said, owned a house and the rent of her property paid her board. Mrs. Ferguson said there had been no ill feeling on the part of anyone in the house toward another, and Miss Bean, she said, paid a small amount of board at times. She had known Miss Bean all her life, and she had made a will, she had been informed, and the house had been left to the Catholic Church. Miss Bean, she said, had been in the institution of the Little Sisters of the Poor for a while, and before going there she (Miss Bean) was robbed. It was her belief that Miss Bean was 98 years old, and she said was always a Christian woman.

"Could anybody have come in your house during the night and put the poison in the coffee?" Mrs. Ferguson was asked.

"The kitchen door might have been opened," she answered. She thought the coffee had been left on the table or stove overnight.

[Editorial, Evening Star, August 3, 1897.]

THE CARELESS SALE OF POISONS.

The laws that relate to the sale of poisons in the District may not have been given full effect at all times in the past, but it is evident from the disclosures made in the inquest over the unfortunate woman who took her own life the other night that the grand jury will soon have an opportunity to give the pharmacists of the city a valuable object lesson. It appears from the testimony taken yesterday by the acting coroner that the most deadly drugs are dispensed in at least one establishment without prescriptions, and at times without even a register. It would seem to be a matter of no difficulty whatever for a person to secure unlimited quantities of morphine and its allied preparations with a mere statement of the desire. This opens up serious possibilities in the way of crimes and casualties. If the present law is defective or inadequate it should be amended, but it would appear to be sufficiently comprehensive to cover all such cases and to make it well worth the while of the druggists to be careful in their dispensation of deadly materials.

[Editorial, Evening Star, August 4, 1897.]

AIDS TO MURDER AND SUICIDE.

It is to be feared that the single case of careless dispensing of deadly drugs by pharmacists that has recently been uncovered as a result of a local suicide has its counterparts in other sections of the city and among druggists with different classes of trade. According to the testimony at the inquest, as briefly noted in these columns yesterday, it has been the custom of the pharmacist in question to deliver morphine readily to all applicants, especially to those whom he knew as habitual users of this stimulant. In short, one of the most vicious and harmful habits to which modern humanity is subject is being catered to without restraint. The community recognizes the need of restrictive measures to limit the consumption of alcoholic drinks. These limitations are provided partly for revenue purposes, partly for their corrective tendency. They do not result in the complete discouragement of the use of liquors, with its consequent demoralization of individuals, but they probably reduce the evil somewhat. In some communities absolutely prohibitive measures are taken, in others the number of dispensing places is limited.

There is, in fact, a wide range in these endeavors to regulate the drink traffic. But it now appears, if the solitary case under observation can be relied upon as generally indicative of a prevailing condition, that there is practically no such bar between the morphine user and the habit that drags him or her into mental, moral, and physical degeneration. The druggist whose case is under advisement admitted that he catered without restraint to the habitual users of the drug, and that he even used no care in its dispensation to regulate with nicety the amount of the deadly material passed over his counter, or to keep an accurate record of such sales. Thus it appears that under the pretense of being a victim of the drug, in itself a confession or assertion that should subject the applicant to suspicion, any person whatever could secure a quantity of this poison sufficient to do murder. If, as suspected, this condition prevails even to a limited degree among the druggists of the city, the need of vigorous prosecutions and of radical amendments to the law, if the present statutes are either ambiguous or inefficient, is pressing. The vigor with which this affair is being handled by the acting coroner and the district attorney is a guarantee that something practical will be accomplished.

[The Post, May 3, 1898.]

SWALLOWED AN OUNCE OF POISON—EMERGENCY HOSPITAL SURGEONS SAVE MRS. FRAZIER'S LIFE.

Mrs. Annie Frazier, who lives at 1060 Thirtieth street, Georgetown, was taken to the Emergency Hospital about 7 o'clock last night, suffering from the effects of an overdose of laudanum. Mrs. Frazier's condition had been discovered shortly after the poison had been taken, and she was removed to the hospital before her condition had reached an incurable stage. Antidotes were administered and, after resting some hours in a ward, Mrs. Frazier returned to her home.

Mrs. Frazier had been despondent, owing to long-continued illness and matrimonial troubles. She had been ill for two months, and is a divorced woman. She rents part of the house 1060 Thirtieth street, and was discovered in a partially insensible condition by some of the people who live there. They endeavored to rouse her without success, and finally sent for her mother, who lives on Thirty-first street. The mother, Mrs. Ralston, went to her daughter and the latter said she had taken an ounce of laudanum. Officers Pratt and Conners had become aware that something was wrong in the house, and on learning the facts sent for the patrol wagon, in which Mrs. Frazier was taken to the hospital.

WASHINGTON CITY, *April 30, 1898.*

GENTLEMEN: Your memorialist, the Medical Society of the District of Columbia, respectfully represents that H. R. bill No. 8390, Fifty-fifth Congress, second session, entitled "A bill to regulate the sale of poisons in the District of Columbia," now pending before you for consideration and report, is practically the same as H. R. bill 10038, Fifty-fourth Congress, second session, which upon a favorable report from the Board of Commissioners, was reported by the Committee on the District of Columbia of the House with the unanimous recommendation that it pass. It passed the House of Representatives, but failed in the Senate, after a favorable report of the Senate Committee on the District of Columbia, because of the adjournment of the Fifty-fourth Congress before it could be reached on the Calendar.

H. Rep. 6—8

On March 13, 1897, Senator Gallinger introduced the bill, then designated Senate bill No. 470, and on May 13, 1897, from the Committee on the District of Columbia, he submitted the following report to accompany S. 470:

"The Committee on the District of Columbia, to whom was referred the bill (S. 470) to regulate the sale of poisons in the District of Columbia, make a favorable report thereon.

The bill simply makes it unlawful for anyone except a registered pharmacist to retail poisons and provides for the proper marking of poisonous preparations. There are further provisions tending to restrict the sale of opium. The legislation sought is the outgrowth of a very careful report prepared by a committee appointed by the Medical and Surgical Society of the District of Columbia to investigate the extent of the morphine habit in the District of Columbia, which report was printed as Senate Document No. 47, Fifty-fourth Congress, second session. (See Exhibit A.)

The passage of the bill by the House of Representatives during the Fifty-fourth Congress, and the favorable reports of the Senate Committee on the District of Columbia of the Fifty-fourth and Fifty-fifth Congresses, without any formal or organized opposition known to your memorialist, impressed your petitioners with the belief that the final enactment of the bill was simply a matter of current legislation, which would be accomplished when reached on the Calendar. There was some dissatisfaction among pharmacists with some of its provisions, which was definitely set forth in some anonymous communications to the local press, which invoked the following correspondence:

WASHINGTON CITY, February 27, 1897.

DEAR SIR: I am surprised at the statement, published in the Washington Post of this date, to the effect that pharmacists, presumably members of your association, are, at the instigation of nonresident drug manufacturers, seeking to prevent the passage of the bill now pending in the Senate, entitled "An act to regulate the sale of poisons in the District of Columbia," and basing their opposition upon alleged dishonorable motives of medical men. I was, several times, assured by you that the committee of the Pharmaceutical Association approved that bill in the form in which it passed the House of Representatives, and I am reluctant to believe that the committee of pharmacists has forfeited its assurance.

Waiting a prompt answer,

I am, yours, etc.,

SAMUEL C. BUSEY, M. D.,

President Medical Society, District of Columbia.

Mr. R. N. HARPER,

President Pharmaceutical Association.

WASHINGTON, D. C., March 1, 1897.

DEAR SIR: Your letter has been read, and in reply can say positively that the committee of which I was chairman has done nothing at all to get "nonresident drug manufacturers" to prevent the passage of the bill you refer to. I will say, however, that I was informed that some outside manufacturers would fight it if their attention was called to it. I positively declined to do anything in that direction.

Although there were two very objectionable points in the bill, to our committee, we have done nothing to prevent its passage.

Yours, respectfully,

ROBT. N. HARPER.

Dr. SAMUEL C. BUSEY,

1545 I street NW., City.

These assurances proved illusory, for it appears that the District of Columbia Pharmaceutical Association, through its committee on legislation (see Exhibit B), distributed to the manufacturing pharmacists throughout the country a circular letter, bearing date June 14, 1897, to which Park, Davis & Co. and the Frazer Tablet Triturate Manufacturing Company made reply.

The purpose of this circular letter is sufficiently disclosed by the statement that the bill would debar druggists in the District from "dispensing in original packages any pharmaceutical preparation * * * unless the container be of the required triangular shape," whereas the bill (see lines 3, 4, 5, and 6, sec. 1) limits this requirement to the retail sale of the poisons named and exempts from the restrictive provisions of section 1 original packages and the retail sale of the poisons named (see lines 37, 38, 39, and 40) when sold "upon the prescriptions of physicians and surgeons licensed under the 'Act to regulate the practice of medicine and surgery and to punish persons violating the provisions thereof in the District of Columbia.'"

But the purpose is more glaringly exposed in the statement that some "harmless medical agents" and "various specialties of different makes" * * * "have been for years sold in triangular bottles." If there was any force in this objection it vanishes before the fact that recent analyses made under and by authority of State

laws have proven that some of the "harmless medical agents" and proprietary preparations contain poison in dangerous quantities; and if it be true that such harmless agents and other specialties are sold in original packages in triangular containers, some of which have been proven to contain poison and others not a trace of alleged constituents, how do such facts lessen the protective value of the container to the innocent retail purchaser, whose only knowledge of its dangerous contents is derived from the observation and handling of the device?

If such application of its usefulness could be extended to all proprietary and patent preparations containing poisons, it would be a warning sign of great value, and protect many from the danger of such drugs and medicaments, especially when the collective investigation of the Medical and Surgical Society of this city (see Exhibit A) shows that a certain class of subjects have contracted the opium habit by the use of the milder preparations of opium, such as McMun's Elixir, paregoric, Squibb's Mixture, and some of the various proprietary or secret remedies employed as domestic remedies.

The circular concludes with an appeal to the manufacturing firms to use their "influence with the Senators from your State to prevent the passage of this measure, which is inimical to your interest and also to ours." This is very suggestive, as well in regard to the method as to the motive of the committee. The fact that only two of the numerous manufacturers of poisonous drugs and chemicals replied to the circular letter is conclusive that the appeal to mercenary considerations did not prove sufficient to induce others to engage in doubtful proprieties, or even to indorse the subtle pleas of retail dealers in poisons, who seek escape from the responsibility of wrongdoing, and the two responses are at best but good-natured efforts to comfort complaining customers, without pith or point relevant to the humane and protective provisions of the bill. The chief object of the proposed legislation is to lessen the sale and consumption of poisons, and thereby lessen crime, diminish suffering, protect the innocent, and save life, and last, but not least, to prevent the narcotic habit. If such purposes can be only partially accomplished, how much greater will be the good than the accumulation of the money value of the poisons sold in retail to innocent and ignorant victims.

Nevertheless, the protests of Park, Davis & Co., and the Frazer Tablet Triturate Manufacturing Company did induce the Senate Committee on the District of Columbia to recall the bill (S. 470) from the calendar, and the submission, January 14, 1898, of an adverse report. (See Senate Document No. 451, Exhibit B.) Subsequently, January 19, 1898, Mr. Curtis introduced into the House the same bill, now known as H. R. 8390, which is now before you the second time for consideration and report.

In opposition to the bill now before your honorable board two protests have been filed, one by Mr. R. N. Harper "in behalf of four out of five of the board of commissioners of pharmacy," who sums up the objections to the bill 8390 in the following remarkable sentence:

"In our judgment it will not prove as safe or as great a protection as our present law, but on the contrary will be confusing, annoying, and expensive to the public generally, and deprive them of certain rights they now have, and have a right to enjoy."

This is widely different from, and so much less definite than the interpretation of the bill as set forth by Mr. Harper and his colleagues on the committee, in the circular before cited, that it may mean much or little or nothing, according to the intent of the reader. Their sudden conversion to the doctrine of greater safety and protection and their startling assertion that the "public generally" has acquired the vested right to purchase and consume poisons and enjoy the same, would seem conclusive in favor of additional legislation not only to define such rights, but to reorganize the board of commissioners of pharmacy.

Anyone who may choose to compare section 1 of bill 8390 with section 9 of the existing law, and section 10 of "A bill to regulate the practice of pharmacy in the District of Columbia," recently reported adversely by your honorable board and the Senate Committee on the District of Columbia (see Senate Report No. 695), will conclude that the words "confusing, annoying, and expensive" are not less inapplicable to one than to either, and must be accepted as the expression of a meaningless generality.

The second protest has been filed by the committee on legislation of the District of Columbia Pharmaceutical Association, signed by four of the five persons who issued the circular letter of June 14, 1897, and is to all intents and purposes a third, revised, and modified edition of that circular, which may, excepting certain misstatements, be accepted as an additional argument in favor of the enactment of bill 8390, because of the existing facilities, therein noted, for the obtainment and consumption of poisons, which the bill is designed to restrict or prohibit, and thereby to reduce the danger to life and health to the minimum limit.

The facts, supplied by the committee of pharmacists, that servants and other irresponsible persons, itinerants, and sojourners, including Members of Congress, can

obtain poisons during day and night in unlimited quantities, either upon their own orders or the prescription of nonresident physicians, for useful, necessary, and criminal purposes, without identification, registration, and reliable and proper information in regard to the use and purpose of such poisons, are irrefutable arguments in support of the necessity and wisdom of the bill 8390. And when to these statements is added the admission that "it might be considered excusable to a certain degree to place some of the more deadly poisons in peculiar and characteristically shaped containers" the protestants completely answer their objections to bill 8390.

It is inconceivable that an alleged discourtesy to a committee of pharmacists, avowedly opposed to the distinctive provisions of the bill, should constitute the basis of their opposition, or that the omission of a conference with protesting pharmacists should "ignore" their rights. Such pleas in protest are mere expressions of unavailing discontent.

Not less remarkable is the attempt to play the rôle of philanthropist in the statements that the proposed law is not "a more protective measure than the one we now have;" is not for "the best interest of the community;" is an "infringement upon their rights;" is "separated from the law to regulate the practice of pharmacy;" and "is complicated, without offering any improvement." *Mirabile dictu!*

It is, perhaps, true that the bill is obnoxious to the charge of "class legislation," in that it limits the sale of the poisons named to "registered pharmacists," and thus prohibits the sale of "rough on rats," paregoric, and other poisons by corner groceries and other less responsible dealers. The emoluments of physicians for services rendered to cases of accidental, suicidal, and habitual poisoning is far in excess of that to be derived from the repetition of "prescriptions containing the smallest amount of paregoric, or Brown's Mixture, a popular cough remedy containing only 2 ounces of paregoric to the pint." It must go without saying that a profession that has accomplished so much in the prevention and eradication of disease is not influenced by mercenary considerations in its efforts to limit the sale of poisons to registered and competent pharmacists, under such restrictions as will, at least in some measure, lessen disease and suffering, protect life, prevent crime, and diminish the opportunities for forming the opium, chloral, and cocaine habit.

The most remarkable and monstrous misrepresentation is set forth in the first sentence of the second paragraph of the protest, as follows:

"In the first place there does not seem to be any reason or necessity for changing the poison law now in operation in the District, which has proved most acceptable; and we can not recall any case of suicide or accident where the proposed law would have proved a more protective measure than the one we now have."

This statement is made by a committee of registered pharmacists in the face of the facts (see Exhibit A) that during the ten years ending June 30, 1895, there were 79 deaths in the District from opium, 7 of which were from the opium habit, 36 from accidental or negligent opium poisoning, and 36 of suicide. During the same period there were treated in the Emergency, Freedmen's, Providence, and Garfield hospitals 125 cases of opium poisoning and 70 cases of opium habit; and in the report of the health officer for 1897 there are recorded 9 cases of accidental deaths and 13 suicides from poison during the year ending June 30, 1897. To these significant facts may be added the reports of the cases (see Exhibit C) of Sadie Tasker, Hopkins and Ann Bean, and the editorials of the Evening Star of August 3 and 4, 1897, which show the facility with which the poisons can be obtained by irresponsible persons in this city. If such facts and reports are not sufficient to show the lack of reason and mischievous intent of the declaration of the committee of pharmacists, your memorialist is at a loss to know what additional proof will be necessary.

But the gist of the protest lies in the repeated suggestion that manufacturers and physicians must be influenced, either pro or con, as the case may be, by mercenary considerations. It is surprising that a class of persons engaged in an honorable and scientific occupation can not rise above such humiliating instincts. The paltry losses in sales of poisons by manufacturers, and paltry gains, if any, by physicians, which the committee of pharmacists allege might accrue by virtue of the rigid enforcement of the restrictive provisions of bill 8390, are insufficient to induce honorable persons of either class to dishonor themselves.

The partial concession is, however, made that objection might be withdrawn to the requirement that prescriptions containing opium, morphine, cocaine, or chloral shall not be repeated, when such prescription has written or printed upon its face the words "not to be repeated," if the word "printed" was omitted. Words written in pencil, as prescriptions usually are, may be so easily erased that designing persons could obtain the poison without limitation of quantity. The insistence that the requirement should only apply to a "prescription, each dose of which contained a sufficient amount of either drug whereby the specific effect would be obtained," is a subterfuge to escape responsibility for repeating such prescriptions. Only charlatans and prescribing druggists give such poisons in single lethal doses. Such prescriptions may in single doses be harmless and in bulk contain enough of

the poison to kill a half dozen people. But the chief danger lies in the fact that the morphine, chloral, and cocaine habits are most frequently contracted by frequent repetition of very small doses, too small to produce apparent physiological effect.

The suggestive objection that the prohibition of repetition of prescriptions containing the four drugs named will eventuate in the extension and application of the same restriction to all prescriptions is in the line of that progress in the healing art which seeks the prevention and cure of diseases by other and safer methods than irresponsible dosage with drugs and chemicals. When the world comes to know that drugs and chemicals are agents for good only when prescribed by those who know when and how and for what purpose, the good that will result will be commensurate with the lessened consumption of such agents.

It is, perhaps, proper in this connection that your memorialist should submit the following propositions, which set forth distinctly

THE RELATION OF PHYSICIAN AND PHARMACIST.

1. Medicine can not be intelligently prescribed except by a person having the requisite professional training and knowledge.
2. The degree of doctor of medicine, conferred by competent authority, is the only safe evidence of such training and knowledge.
3. The prescribing of medicine by one not so presumably qualified is always unsafe and frequently dangerous.
4. The right to dispense medicine is a vested and necessary prerogative of the medical profession.
5. The distinctive office of pharmacist having been created by the medical profession in the interest of convenience, economy, facility, and accuracy, this right to dispense medicine can not now be held to be exclusively the physician's.
6. The pharmacist, however, is the agent of the physician, directed in writing to do a specific thing in a definite manner, and when that is done his function ceases.
7. The physician has an unquestionable right to select as his agent whomsoever in his opinion will most efficiently carry out his directions.
8. The pharmacist is permitted to retain the prescription only as an evidence of the order received and executed.
9. To duplicate that order without the consent, or contrary to the specific direction of the physician, is a breach of tacit contract, an act of bad faith, and an intolerable abuse.
10. The prescribing of medicine by a pharmacist is a trespass upon the domain of the physician and a dangerous assumption of knowledge liable to result disastrously to the victim.
11. It is the duty of the medical profession and of the public to discourage pharmacists in all such hazardous attempts to enlarge their functions.

SAMUEL C. BUSEY, M. D., *Chairman*,
 Z. T. SOWERS, M. D.,
 C. H. A. KLEINSCHMIDT, M. D.,
 G. WYTHE COOKE, M. D.,
 WILLIAM W. JOHNSTON, M. D.,
 WM. C. WOODWARD, M. D.,
 LEWELLYN ELIOT, M. D.,
 G. L. MAGRUDER, M. D.,
 J. S. McLAIN, M. D.,

Committee on Legislation of the Medical Society of the District of Columbia.

THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA.

[Senate Document No. 15, Fifty-fifth Congress, first session.]

To the Honorable the Senate of the United States, in Congress assembled:

Your petitioner, the Medical Society of the District of Columbia, respectfully represents that the bill entitled "A bill to regulate the sale of poisons in the District of Columbia," has been approved by said society, and by the Commissioners of the District of Columbia, passed the House of Representatives during the last session of the Fifty-fourth Congress, and was pending, with the favorable report of the Senate Committee on the District of Columbia, before your honorable body, at the adjournment of the Fifty-fourth Congress.

The chief object of the bill is to limit the sale of the poisons named to registered pharmacists, and thus prohibit their sale by irresponsible persons, to the detriment of the public at large, especially of innocent people, and also to prohibit their sale to evil and designing persons for improper uses.

Your petitioner respectfully suggests that the requirement that the poisons shall be sold in a three cornered container will distinguish the poisons in such manner as will protect the handler from making mistakes in administering the same to innocent people, which so frequently happens, and has caused so many deaths, especially of children. The mere grasp of a three-cornered container will warn the handler of the poisonous and dangerous if not fatal properties of the drug, and so protect him from the impending danger. It is not contended that this simple and inexpensive device will protect every child and adult from such mistake, but it will accomplish much toward that result.

Another object of the bill relates to the protection of innocent people from the formation of the opium, morphine, cocaine, or chloral habits, which are acquiring such prevalence in this community. Persons who may have experienced the beneficial, and sometimes delightful, effects of these drugs as prescribed by a physician will seek and obtain the repetition of the prescription without the knowledge or consent of the physician, and without any suspicion on the part of the pharmacist that it is to be used for an improper and injurious purpose, and will continue the method without the suspicion or knowledge of any person until the habit is so firmly established that it can not be concealed and the person becomes an incurable victim to some one of these habits. It is not contended that this legislation will arrest the formation of such habits, but it will protect many people from such danger.

Your petitioner represents, furthermore, that the good effects contemplated by this bill are not limited to restrictions of the "drug habit," but will also, in some measure, lessen the prevalence of the "drink habit." Experience and observation have shown that victims of either of the "drug habits" usually, sooner or later, become habitual drunkards. The bill is therefore in the interest of good health, good morals, and temperance.

The main features of the bill, and almost the very words in which it is expressed, are similar to those in section 10 of the existing law, approved June 15, 1878, entitled "An act to regulate the practice of pharmacy in the District of Columbia," with the additional requirements that certain poisons shall be dispensed in characteristic containers, so as to limit the disastrous effects which so often result from accidental administration of such poisons. It will also restrict the sale of "paregoric and other preparations of opium containing less than 2 grains to the ounce." It has been clearly proven that paregoric, which contains 2 grains of opium in every fluid ounce, is the preparation of opium employed by many victims of the opium habit, because it is most readily obtained without suspicion. Your petitioner has conceded to pharmacists the privilege of dispensing paregoric "when sold in quantities of not more than 1 ounce," hoping that such restriction will designate its dangerous properties and lessen its employment as a popular domestic drug, and thereby diminish the increasing prevalence of the opium habit among innocent and well-meaning people, as well as its use by designing and evil-disposed persons.

Your petitioner respectfully represents that the prohibition of the repetition of physicians' prescriptions "containing opium, morphine, cocaine, or chloral, when such prescription has written or printed upon its face the words 'Not to be repeated,'" is solely in the interest of humanity. The unauthorized repetition of such prescriptions is a constantly increasing evil, productive of debasing vices, only known to physicians and the families of the unfortunate victims. Such cases do not, as a rule, come to the knowledge of the dispensing pharmacist, however cautious he may be, until public rumor and scandal designate the victim as a morphine, cocaine, or chloral fiend, and perhaps also as an habitual drunkard, when one or a combination of the debasing habits have become so firmly established that reformation is impossible. Without such or some more effective legal restriction of the repetition of such prescriptions the facilities for acquiring the drug habit will continue and increase.

In evidence of the necessity and wisdom of the enactment of the bill herein recommended to your favorable consideration, your petitioner begs permission to add the annexed report of the committee of the Medical and Surgical Society of the District of Columbia, which has been unanimously indorsed by the Medical Society of the District of Columbia.

[Senate Document No. 74, Fifty-fourth Congress, second session.]

WASHINGTON, D. C., December 30, 1896.

The Medical and Surgical Society of the District of Columbia:

Your committee appointed to investigate the extent of the opium habit in the District of Columbia beg leave to submit the following report:

During the ten years ending June 30, 1895, the records of the health department show that 7 persons died from the opium habit, 36 persons died from accidental or

negligent opium poisoning, and 36 committed suicide with opium or its preparations. It is interesting to note that of the 36 accidental deaths from opium poisoning only 12 were under 5 years of age, while the remainder were over 20 years of age.

In addition there were treated during the same period in the four principal hospitals of this city 125 cases of opium poisoning and 70 patients for the opium habit. Without a most exhaustive collective investigation it is impossible to even estimate the number of persons treated by physicians for acute or chronic opium poisoning who may recover from the immediate effects of the drug or who have died victims of the opium habit, and in which the cause of death may have been assigned to some remote pathological effects of the drug.

Reference to Tables Nos. 1 and 2 reveals the significant fact that the number of such cases has vastly increased during the past five years as compared with the previous five years, the increase being so marked that it can not be attributed solely to an increased population, and points more or less to a spread of the improper use of opium and its preparations, amounting in some instances to a social evil with which the Chinese Government has had to contend and which sooner or later may confront the various States in our own country.

TABLE NO. 1.—Deaths from opium during the ten years ended June 30, 1895, in the District of Columbia.

Year.	Deaths from the opium habit.	Deaths from accidental or negligent opium poisoning.	Suicide from opium, etc.	Remarks.
1886.....	1	1	2	All white, over 20 years of age.
1887.....		2	1	2 white, 1 colored; 2 under 5 years of age.
1888.....				
1889.....	2	1	1	3 white, 1 colored; all over 20 years of age.
1890.....	1	1	5	6 white, 1 colored; all over 30 years of age.
1891.....	2	3	3	7 white, 1 colored; 2 under 5 years of age.
1892.....		3	6	7 white, 2 colored; all over 20 years of age.
1893.....		8	4	9 white, 3 colored; 3 under 5 years of age.
1894.....		11	5	All white; 2 under 5 years of age.
1895.....	1	6	9	13 white, 2 colored; 3 under 5 years of age.
Total.....	7	36	36	Aggregate, 79.

TABLE NO. 2.—Cases of opium poisoning and habit treated at four hospitals during the period of ten years ended June 30, 1895, in the District of Columbia.

Year.	Emergency.			Freedmen's.			Providence.			Garfield.		
	Opium poisoning.	Deaths.	Opium habit.	Opium poisoning.	Deaths.	Opium habit.	Opium poisoning.	Deaths.	Opium habit.	Opium poisoning.	Deaths.	Opium habit.
1886.....	(a)	(a)	(a)						9			
1887.....	(b)	(b)	(b)	1			1		8			1
1888.....	3			1								2
1889.....	3					1				6		
1890.....	1		1			4	6	3	11	8		
1891.....	15	1	1			2	3	1		1		
1892.....	7		1			1	7	1				
1893.....	8		2				3	2	7			
1894.....	12						13	1		4	1	
1895.....	12		2	2		5	3		12	5	1	
Total.....	61	1	7	4		13	36	8	47	24	2	3

a No reports on file.

b Incomplete.

The investigation of your committee reveals the fact that there are quite a large number of persons in this city who have become the victims of the opium habit, and that the different preparations of the drug are used in the following manner:

- (1) The hypodermic injection of morphia.
- (2) The use of morphia by the mouth and rectum.
- (3) The use of alcoholic preparations of opium by the mouth.
- (4) The use of gum opium by the mouth (opium eating).

(5) The use of the extract of opium by inhalation (opium smoking).

In regard to the actual extent of the morphine habit and the amount consumed, either by the hypodermic method, by the mouth or rectum, it is difficult to present any accurate data, but, judging from the statements of our pharmacists, there is scarcely one who does not recall one or more victims of the drug, and, while many refuse to sell morphia in unusual quantities, it is evident from their sales, general observation, and calls for the drug that the habit is widespread, some of the victims consuming as high as 1 drachm of morphia a day, and one store alone selling about \$100 worth of morphia a month.

Quite a large number of pharmacists report sales in unusual quantities of the alcoholic preparations of opium, such as McMunn's Elixir, laudanum, papine, Squibb's Mixture, and proprietary or secret medicines containing opium, the demand for McMunn's Elixir being especially active, while paregoric and Squibb's Mixture supply the wants of many victims to the use of narcotics.

The use of gum opium by the mouth (opium eating or chewing) is not so very common. Nevertheless a sufficient number of sales in suspicious quantities reveals the existence of habitues to this form of the drug. In regard to the use of the extract of opium by inhalation (opium smoking) the data are quite meager. Pharmacists have occasional calls for the extract, but are of the opinion that the bulk is supplied by Chinese merchants. Dr. Wade H. Atkinson recently reported to this society a fatal case from opium smoking in the person of a white man aged 28. Dr. Atkinson, in presenting the case, says:

"I know of about 20 in this city, and I have asked a few others who could most probably estimate the number correctly. A popular drug clerk estimated the smokers at 150. A very noted clerk in a lunch room, who is well acquainted with several smokers, consulted with them and estimated the number at 500. A special detective in the police department says he thinks there are not more than 20 smokers and only one 'joint' here. Chinese are not considered in these estimates. I believe a fair average of 150 or 200 habitual smokers are in Washington, and know of two 'joints.'"

Investigation into the causes of the opium habit leads to the conclusion that one class of subjects have contracted the habit by the use of the milder preparations of opium, such as McMunn's Elixir, paregoric, Squibb's Mixture, and some of the various proprietary or secret remedies usually employed as domestic remedies.

Another class have evidently acquired the habit by the constant use of prescriptions containing opium or its preparations for the relief of pain, the individuals being at first quite unconscious of the enslaving nature of the drug. Competent and experienced pharmacists are of the opinion that prescriptions containing opiates are more frequently refilled than other prescriptions; that copies of such prescriptions are frequently multiplied for friends, and that suppositories containing opiates are commonly renewed.

The social condition of the foregoing classes appears to be of a mixed character, and includes all grades of society, the rich and intellectual predominating.

Another class of persons belong to the moral degenerates of fast men and women, and have acquired the habit by contact with opium habitues and through solicitation, invitation, and persuasion of fallen victims to the vice.

In the opinion of many prominent pharmacists the habit, from whatever cause, is readily established, because opium and its preparations are altogether too easily obtained.

Before considering the question as to the extent to which the State should exercise control in the interest of public health over the sale of poisons, reference should be made to the obligations of the physicians in the matter.

There can be no successful concealment of the fact that the prolonged and indiscriminate use of opium and its preparations, especially in neurotic subjects, has been a most fruitful cause of morphinism, and while inquiry reveals a decrease in the amount of morphia prescribed by the physicians, there are still a goodly number of so-called "morphine doctors" who have received this appellation by pharmacists because they are in the habit of making it one of the ingredients in nearly all of their prescriptions.

In view of the fact that prescriptions containing opiates are frequently refilled and taken in increased and unauthorized quantities, and may thus establish a habit, in the absence of legal restrictions all physicians should endeavor to reduce the danger from morphinism to a minimum by a judicious employment of the drug and careful supervision of the patient.

While some pharmacists believe that the request of the physician on the prescription "not to be renewed" would be generally respected, others believe that the prescription, having been declared the personal property of the patients, is subject to their orders only. It would possibly be wise not to incorporate opium and its preparations in any prescription, and when its use is indicated it might be dispensed by the physician without the knowledge of the patient as to the nature of the remedy. But perhaps the easiest way to solve the question would be to follow the

lead of the New York legislature which in June, 1887, enacted a law that no pharmacist, druggist, apothecary, or other person shall refill more than once prescriptions containing opium or morphine, or preparations of either, in which the dose of opium shall exceed one-fourth grain or morphine one-twentieth grain, except with the verbal or written order of a physician.

The law regulating the sale of poisons in the District of Columbia compares very favorably with existing laws in some States, but the committee fully indorses the opinion of the section of state medicine of the Seventh International Congress of Hygiene and Demography held in August, 1891, when it declared that—

"It is essential in the public interest that the existing law regulating the sale of poisons should be amended and greater restrictions placed on the sale of poisons generally in all countries." * * *

The committee is of the opinion that, with regard to the sale of proprietary and secret medicines containing poisonous drugs, the contents should be clearly expressed on the label and the word "poison" added, as required in the sale of such poisons under the present acts.

The committee believes that our law might be strengthened by forbidding the sale of poisons to minors, as is done in Kentucky, Nebraska, and Mississippi, or to any persons addicted to the use of opium after a written notice from a near relative of such person that he or she is habitually addicted to its use (Georgia Code), or to persons not known to the seller, in which case South Dakota requires that the address of the person by whom purchaser is introduced shall be entered upon the poison register. Connecticut, Colorado, Michigan, and Minnesota make it a misdemeanor to give a fictitious name to the druggist for entry in the poison register. Massachusetts, Michigan, and Ohio require the names of most readily obtainable antidotes on poison labels, and quite a number of States include active emmenagogues in the list of poisons; and the State of Kansas makes it unlawful to sell oil of savin, oil of tansy, ergot and its preparations, cotton root and its preparations, and all other active emmenagogues or abortives, except on the prescription of a legally qualified physician.

While the committee deems such amendments very desirable, it submits drafts of two bills for immediate consideration which it is believed will go far toward preventing the spread of the opium habit, and recommends that the entire subject be referred to the Medical Society of the District of Columbia for such action as it may deem proper.

Respectfully submitted,

WILLIAM W. JOHNSON.
GEORGE M. KOBER.
EDWARD L. MORGAN.
CLIFTON MAYFIELD.
PRESLEY C. HUNT.
WADE H. ATKINSON.
JNO. F. MORAN.

Approved by the Medical Society of the District of Columbia, and ordered to be presented to the Senate and House of Representatives.

S. C. BUSEY, M. D.,
President of the Medical Society of the District of Columbia.

[Senate Report No. 451, Fifty-fifth Congress, second session.]

The Committee on the District of Columbia, to whom was referred the bill (S. 470) to regulate the sale of poisons in the District of Columbia, make an adverse report thereon.

The bill has met with various objections from the Pharmaceutical Association of the District of Columbia and from various manufacturers of medical preparations, who point out the fact that the provisions of the bill are not such as to accomplish the ends sought. The committee think the objections to the bill in its present form are such as to warrant an adverse report. The objections are given below.

PARKE, DAVIS & Co.,
Detroit, Mich., June 23, 1897.

DEAR SIR: Permit us to acknowledge receipt of your esteemed favor of the 19th instant.

Since you ask us to point out that portion of Senate bill No. 470 which is not conducive to the public welfare, we will waive further reference to the effect of the bill

upon our own interests and merely state that in our opinion a three-cornered container is not at all likely to prevent the occurrence of accidental poisoning. As previously stated by us, a three-cornered bottle has been used in the past for marketing such harmless products as cod-liver oil, celery compound, etc. The chief of our general business department has now in his possession a three-cornered bottle which is used by the Seely Manufacturing Company, of Detroit, for one of their flavoring extracts.

But supposing that this special shape of container had never been used before, its peculiar form would not, in our opinion, prevent occasional casualties from poisoning. The patient would receive the first parcel of poisonous medicament in the three-cornered bottle. After using its contents he would probably wash out the bottle and then pour into it some beverage or harmless household substance. Subsequently he might have occasion to purchase a second quantity of some poisonous substance, and then confusion would be very likely to arise. Indeed, accidents have occurred in this very way.

We have no general objection to a poison law, nor would such a measure meet with any opposition from the pharmaceutical fraternity. Such laws prevail in almost all our States and Territories. But the ideal poison bottle has yet to be devised. Its requisites are not, in our opinion, embodied in a container of three-cornered shape.

Very respectfully, yours,

PARKE, DAVIS & Co.,
W. M. WARREN, *General Manager.*

Hon. JAMES McMILLAN,
Senate Chamber, Washington, D. C.

THE FRASER TABLET TRITURATE MANUFACTURING COMPANY,
New York, June 16, 1897.

DEAR SIR: I received the inclosed from the District of Columbia Pharmaceutical Association this a. m.

The result of long experience in the retail and manufacturing drug business has conclusively shown me five things:

First. That the label, which the clerk must read to find his medicine and which the checking clerk must read to pass the package, is the proper place to put the caution against accident from poison.

Second. That if the shape of the bottle is to be prescribed by law it would not be practical unless the law were made international by agreement, because three-cornered bottles are used for harmless medicines and liquors both in this and foreign countries.

Third. Provided this law were passed it would be necessary to direct that all bottles used for other medicines and liquors than poison should be made of one shape, because after the clerk became accustomed to the three-cornered bottle it would not mean anything more than any other of the many different shapes to him.

Fourth. That poison laws in the different States are so conflicting that confusion to manufacturers is sure to ensue.

Fifth. That mistakes are made not so much on account of a want of knowledge as from absence of mind.

I beg leave to ask you to oppose the passage of this bill.

Respectfully,

HORATIO N. FRASER.

Hon. T. C. PLATT,
United States Senate, Washington, D. C.

THE DISTRICT OF COLUMBIA PHARMACEUTICAL ASSOCIATION,
Washington, D. C., June 14, 1897.

GENTLEMEN: There has been recently introduced into both Houses of Congress a bill "To regulate the sale of poisons in the District of Columbia." One of the requirements is that all poisons included in the following: "Schedule A: Arsenic and its preparations, corrosive sublimate, white precipitate, red precipitate, biniodide of mercury, cyanide of potassium, hydrocyanic acid, strychnine, and all other poisonous vegetable alkaloids and their salts, essential oil of bitter almonds, opium and its preparations, except paregoric when sold in quantities of not more than one ounce," must be dispensed in three-cornered containers.

Should this bill become a law druggists in the District of Columbia will be debarred from dispensing in original packages any pharmaceutical preparation made by you

which contains any of the above-mentioned poisons unless the container be of the required "triangular shape." The absurdity of compelling manufacturers to place hypodermic tablets containing poisonous alkaloids; elixir of iron, quinine, and strychnine; pills and tablet triturates of aloin, belladonna, and strychnine, and innumerable other well-known and frequently used preparations in "triangular bottles" for the District of Columbia market alone (no other State having enacted similar legislation) is apparent.

We believe such a regulation to be an unnecessary and useless restriction, even dangerous, as quite a number of harmless medicinal agents, e. g., cod-liver oil, celery compound, various specialties of different makes, etc., are, and have been for years, sold in triangular bottles, and under the proposed law "brown mixture" and laudanum, paregoric, and corrosive sublimate solution will necessarily be dispensed in the same "distinctive" style of bottle.

The District of Columbia Pharmaceutical Association, whose membership includes three-fourths of the pharmacists of the District, at its last meeting passed resolutions condemning the proposed law, and we would request on their behalf that you use your influence with the Senators from your State to prevent the passage of this measure (Senate bill No. 470), which is inimical to your interests and also to ours.

Respectfully,

ROBERT N. HARPER,
H. E. KALUSOWSKI,
RANDOLPH L. ELLIOT,
HENRY A. JOHNSTON,
WYMOND H. BRADBURY,

Committee on Legislation, District of Columbia Pharmaceutical Association.

THE FRASER TABLET TRITURATE MANUFACTURING COMPANY,
New York City, N. Y.



